IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 20913 of 2006(M)

PETITIONER:

K.S. KAILASAN,
DRAWING TEACHER, V.H.S.S. BRAHMAMANGALAM,
BRAHMAMANGALAM POST, VAIKOM, KOTTAYAM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:
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1. **THE DIRECTOR OF PUBLIC INSTRUCTIONS,**
   THIRUVANANTHAPURAM.

2. **THE DEPUTY DIRECTOR OF EDUCATION,**
   KOTTAYAM.

3. **THE DISTRICT EDUCATIONAL OFFICER,**
   KADUTHURUTHY.

4. **THE MANAGER,**
   V.H.S.S. BRAHMAMANGALAM, VAIKOM, KOTTAYAM DISTRICT.

BY ADV. SRI.T.R.SADEESAN for R4
BY GOVT.PLEADER SRI. T.T. MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.20913/2006 M

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER NO.DDIS/26009/2000/RA(2)/DPI DTD.19/7/2000.**

EXT.P2: **COPY OF THE GOVERNMENT ORDER G.O.(RT) NO.3527/03/G.EDN. DTD. 30/08/2003.**

EXT.P3: **COPY OF THE REPRESENTATION DTD. 6/06/2006 SUBMITTED BY THE 4TH RESPONDENT TO THE DY.DIRECTOR OF EDUCATION, KOTTAYAM.**

EXT.P4: **COPY OF STAFF FIXATION ORDER NO.D.DIS.3744/06/B2 DTD. 30/12/06 ISSUED BY THE 3RD RESPONDENT.**

/TRUE COPY/

Kss

K.M.JOSEPH, J

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WP.(C) No.20913 OF 2006

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Dated this the 25th day of January, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner has continuous service as Drawing Teacher under the fourth respondent from 15.7.1993 to 31.7.2000. He was thrown out for want of sanctioned post. However, from the year 1999-2000 onwards the post was sanctioned in lieu of the retirement vacancy of Music Teacher on 31.5.2000 as per Ext.P1. Even though a post is sanctioned from 2000-2001 to 2005-2006 for the reasons best known to the second respondent, the petitioner was treated as a protected teacher and retained in the School. Now he is denied salary from May, 2006. The Manager has already preferred Ext.P3 before the Deputy Director. In such circumstances, I feel that there should be a decision taken on Ext.P3 by the second respondent.

Accordingly, the writ petition is disposed of directing the second respondent to consider and take a decision on Ext.P3 in accordance with law after hearing all the affected parties within a period of two

months from the date of receipt of a copy of this judgment. I leave open all the contentions of the petitioner.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.